



# THE REGIONAL PLANNING COMMISSION

County of Los Angeles

## MINUTES

Meeting Place: Room 150 Hall of Records  
320 W. Temple Street  
Los Angeles, California 90012

Meeting Date: September 16, 2015 - Wednesday

Time: 9:20 a.m.

### Present:

Commissioners: Modugno, Pincetl, Valadez, Louie, Pedersen

### Ex Officio Members:

Director of Public Works: Mr. Matthew Dubiel, Civil Engineer

County Counsel: Ms. Elaine Lemke, Principal Deputy

Planning Director: Mr. Mitch Glaser, Assistant Administrator, Current Planning Division

Forester and Fire Warden: Ms. Janna Masi, Supervising Fire Prevention Engineer

### APPROVAL OF AGENDA

2. Motion/second by Commissioners Valadez/Louie – That the agenda for September 16, 2015 be approved.

At the direction of the Chair, the agenda was approved unanimously.

### COUNTY COUNSEL REPORT

3. There were no reports given by County Counsel.

### DIRECTOR/DEPUTY DIRECTOR

4. Mitch Glaser reported that two Commission actions from the August 26 hearing were appealed to the Board of Supervisors; the Canyon View Board and Training Ranch and the Lease Parcel 44 in Marina del Rey. Mr. Glaser will keep the Commission apprised of their status.

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## MINUTES FOR APPROVAL

5. Motion/second by Commissioners Louie/Pedersen – That the minutes for August 12, 2015 be approved.

At the direction of the Chair, the minutes were approved with Commissioners Louie, Pedersen, Modugno and Valadez in favor and Commissioner Pincetl being recorded as abstaining.

## PUBLIC HEARINGS

### Zoning Permits - West Section

#### Project Denied

6. **(Continued from 07/08/15 & 08/12/15). Project No. R2014-02228-(2). Conditional Use Permit No. 201400112. Applicant: Mr. Ronald Flury. 20850 Normandie Avenue. Carson Zoned District. To authorize the operation of an existing trucking facility with truck and equipment storage, truck and equipment repair, and offices in the MPD (Manufacturing-Industrial Planned) Zone. The project is categorically exempt Class 1 – Existing Facilities, pursuant to CEQA reporting requirements.**

Ms. Arakelian presented the staff report followed by testimony from David Moss, the representative for Ron Flury, the applicant, both in favor of the project. Mr. Moss requested that they be able to operate to meet contractually obligated emergency and urgent operations and the frequency of after hour services.

Two members of the public provided testimony, Cynthia Babich, Del Amo Action Committee and Don Garstang both voiced opposition to the tons of stockpiled contaminated soil with high levels of dichlorodiphenyltrichloroethane (DDT), dichlorodiphenyltrichloroethane metabolite (DDD), an organochlorine insecticide and dichlorodiphenyldichloroethylene (DDE), a chemical compound formed by the loss of hydrogen chloride (dehydrohalogenation) from DDT which is stored above ground from the dirt blowing upwind into the adjacent residential area. DDT is a seriously dangerous compound that bio accumulates in the fat tissue of those who are exposed to it and is banned for use due to its toxicity.

Commissioner Pincetl asked for clarity on the analysis of the condition of the site and current potential hazard the site may present to residents from the soil that has been excavated.

Commissioner Modugno asked if a portion of the property is a superfund or superfund site adjacent.

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PUBLIC HEARINGS

Zoning Permits - West Section

Project Denied

The Commission called Anhtu Nguyen, a representative from the US Environmental Protection Agency (USEPA) to respond to the questions asked. He indicated that a superfund site is any area where the extent of contamination lies. The adjacent property is contaminated due to the storm water pathway that goes through the Ecology Control Industries (ECI) property and therefore, the ECI property is part of the superfund site by migration of the contaminants.

In addition, he indicated the area where the soil was excavated is covered, however, stock piles needs to be covered at all times completely or else it poses a risk due to winds blowing contaminated soil to the residents.

Commissioner Louie raised concerns that currently a threat to the health and welfare of the local community is at risk. Mr. Nguyen indicated they are assessing the health risk and there's no indication of any immediate health effect from the concentrations and exposure to the residents.

He indicated that on-going testing is being performed and currently the levels do not signify high levels of exposure to be of concern.

The Commission requested that a condition be added to fence where the soil has been stock piled on the eastern portion of the site to create a buffer.

Motion/second by Commissioners Louie/Modugno – That the Regional Planning Commission close the public hearing and find that the project is categorically exempt pursuant to state and local CEQA guidelines.

Motion fails due to lack of a qualified vote for CEQA determination. Commissioners Louie and Modugno voted in favor with Commissioners Valadez and Pincetl abstaining and Commissioner Pedersen opposing. The appeal period for this item ends on Wednesday, September 30, 2015.

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## DISCUSSION AND POSSIBLE ACTION

### Action Taken as Noted

At the direction of the Chair, Item No. 10 was taken out of order due to time constraints.

#### **10. Project No. R2015-02631-(1-5). A presentation and discussion regarding the Hearing Examiner procedure.**

Mr. Glaser reported that a memo on this subject was distributed. Testimony was heard from Lynne Plambeck regarding her concern that the Commission does not hear the issues that go before the Hearing Examiner process. Ms. Plambeck requests that the Commission hear at the draft EIR stage. Testimony was also heard from Cam Holtemeyer, Maria Hanscom and Lloyd Carder. After discussion, Commissioner Modugno suggested the Commission look into how to improve the process on key and major activities, that there is adequate time for community input and that there may be combinations of Hearing Examiner and Planning Commission meetings, particularly on more complicated matters.

## PUBLIC HEARINGS (Cont.)

### Zoning Permits - North Section

#### Project Approved

#### **7. Project No. R2014-02996-(5). Conditional Use Permit No. 201400142. Applicant: First Street Development. 3771 Sierra Highway, Acton. Soledad Zoned District. To authorize the establishment and operation of a Taco Bell restaurant, including drive-through facilities, within the C-2-DP (Neighborhood Business-Development Program) Zone and the Soledad Zoned District. This project is categorically exempt (Class 3 – New Construction or Conversion of Small Structures) pursuant to CEQA reporting requirements.**

Mr. Claghorn presented the staff report and indicated that the project is consistent with the Community Commercial land use category of the 1986 Area Plan, which was the applicable plan at the time of project submittal. The Town & Country Plan allows the applicant to opt for a project to be reviewed under the 1986 Area Plan policies if the application was deemed complete prior to the effective date of the Town & Country Plan. The project is consistent with both plans, as well as the Los Angeles County General Plan, and with the existing land uses of the surrounding area.

Testimony was followed by SG Ellison, the applicant's representative in favor of the project. He presented a petition signed by 78 people from Acton and surrounding communities who supported approval of the Taco Bell drive-through.

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PUBLIC HEARINGS (Cont.)

Zoning Permits - North Section

Jacqueline Ayer and Katherine Tucker of the Acton Town Council testified in opposition to the project. They presented 132 letters from Acton area residents who opposed the project.

The Commission inquired when the date of construction of the two other nearby drive-through restaurants began. Staff indicated that McDonald's was built in 1991 and the Jack in the Box in 1994. Both projects qualified for a Class 3 Categorical Exemption under CEQA requirements for New Construction or Conversion of Small Structures.

Motion/second by Commissioners Valadez/Pincetti – That the Regional Planning Commission close the public hearing and find that the project is categorically exempt pursuant to state and local CEQA guidelines and approve Conditional Use Permit No. 201400142 with findings and conditions of approval.

At the direction of the Chair, the item passed with Commissioners Valadez, Pincetti, Louie and Pedersen in favor and Commissioner Modugno being recorded as opposing. The appeal period for this item ends on Wednesday, September 30, 2015.

Zoning Permits - East Section

Project Approved

8. **Project No. R2015-00338-(4). Conditional Use Permit No. 201500015. Applicant: Diamond Plaza LLC. 1388 Fullerton Road. Puente Zoned District. To authorize the on-site sale of beer and wine (Type 41) in conjunction with the operation of an existing restaurant in the C-2-DP-BE (Neighborhood Business Development Program, Billboard Exclusion) zone within the unincorporated community of Rowland Heights. This project is categorically exempt Class 1-Existing Facilities pursuant to CEQA reporting requirements.**

Ms. Nazar presented the staff report followed by Eric Wang, representing the applicant. in favor of the project and was available for questions.

Motion/second by Commissioners Pedersen/Louie - That the Regional Planning Commission close the public hearing, find that the project is categorically exempt pursuant to state and local CEQA guidelines, and approve Conditional Use Permit No. 2015000015 with the findings and conditions of approval.

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PUBLIC HEARINGS (Cont.)

Zoning Permits - East Section

At the direction of the Chair, the item passed with Commissioners Pedersen, Louie and Modugno in favor and Commissioner Valadez and Pincetl being recorded as absent from the vote (left at 11:40). The appeal period for this item ends on Wednesday, September 30, 2015.

Land Divisions

Project Approved

9. **Project No. PM070145-(2). Applicant: Michael and Mila Zatulovsky. 2332 E. 119th Street. Willowbrook Enterprise Zoned District. a. Tentative Parcel Map No. 070145. To create three (3) single-family residential lots on 0.52 gross (0.45 net) acres within the R-1 (Single-Family Residence – 5,000 Square Feet Minimum Required Lot Area) Zone. Three existing single-family homes will remain. Applicant is requesting a street frontage waiver for Parcel 1 and a modification request to reduce the required street frontage width and average lot width from 50 feet to approximately 44 feet for Parcel 3. b. Environmental Assessment No. 200800041. To consider a Mitigated Negative Declaration with impacts reduced to less than significant with mitigation measures pursuant to CEQA reporting requirements.**

Mr. Rojas presented the staff report followed by Mila Zatulovsky, the applicant's representative in favor of the project. Dorothy Glover, a community member raised concerns regarding street parking in the area. She indicated many people were bringing vehicles over to 120<sup>th</sup> Street to park thereby, making street parking inaccessible to the residents on 119<sup>th</sup> Street. She was informed that no residences were being proposed and the current homes would be brought up to code in regards to parking standards.

Motion/second by Commissioners Louie/Pedersen – That the Regional Planning Commission close the public hearing and adopt the mitigated negative declaration pursuant to state and local CEQA guidelines.

Motion/second by Commissioners Louie/Pedersen – That the Regional Planning Commission approve Tentative Map No. 070145 with findings and conditions of approval.

At the direction of the Chair, the item passed with Commissioners Louie, Pedersen and Modugno in favor and Valadez and Pincetl being recorded as absent from the vote (left at 11:40). The appeal period for this item ends on Monday, September 28, 2015.

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DISCUSSION AND POSSIBLE ACTION

Action Taken as Noted

- 11. Project No. R2015-02752-(1-5). A presentation and discussion regarding the Sale of Craft Beers Condition.**

At the direction of the Chair, the item was continued to a later date to allow all Commissioners to be present for input and discussion.

PUBLIC COMMENT

- 12. Public comment pursuant to Section 54954.3 of the Government Code.**

There were no requests by members of the public to address the Commission.

CONTINUATION OF REPORTS

- 13. Possible Call for Review of Decisions by Hearing Officer, pursuant to Section 22.60.200 of the Los Angeles County Code.**

There were no items Called up for Review by the Commission.

- 14. Commission/Counsel/Director Reports**

**Request to cancel the October 7, 2015, regular meeting of the Regional Planning Commission.**

Motion/second by Commissioners Louie/Pedersen – Move that the Regional Planning Commission cancel the Wednesday, October 7, 2015, meeting from the approved meeting schedule.

At the direction of the Chair, the item passed with Commissioners Louie, Pedersen and Modugno in favor and Commissioners Valadez and Pincetl being recorded as absent from the vote (left at 11:40).

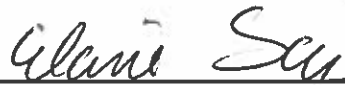
Additionally, Mr. Bruckner, Director, reported to the Commission that Edward Rojas was honored for his code enforcement work at the Friends and Neighbors Community Club, an organization made up of many representatives from the communities in the second district.

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ADJOURNMENT

A recording of the testimony received and the discussions held at this meeting and a copy of all findings and resolutions acted upon by the Commission are on file in the Department of Regional Planning.

The Commission adjourned at 12:12 p.m. to Wednesday, September 30, 2015.



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Elaine Sainz, Acting Commission Secretary

ATTEST



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Pat Modugno, Chair

APPROVE



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Mitch Glaser, Assistant Administrator  
Current Planning Division